

Exhibit 23

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.,
Civil Action No. 01-12257-PBS

Exhibit to the July 24, 2009, Declaration of George B. Henderson, II
In Support of United States' Common Memorandum of Law in Support of Cross-Motions for
Partial Summary Judgment and in Opposition to the Defendants' Motions for Summary
Judgment

Olympia, WA

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL INDUSTRY) MDL No. 1456
AVERAGE WHOLESALE PRICE) Civil Action No.
LITIGATION) 01-12257-PBS

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THIS DOCUMENT RELATES TO:) Hon. Patti B.
United States of America ex rel.) Saris
Ven-A-Care of the Florida Keys,)
Inc. v. Abbott Laboratories, Inc.,) Chief Magistrate
Civil Action No. 06-11337-PBS;) Judge Marianne
United States of America ex rel.) B. Bowler
Ven-A-Care of the Florida Keys,)
Inc. v. Dey, Inc., et al., Civil) DEPOSITION OF
Action No. 05-11084-PBS; and) WA DEPT. OF
United States of America ex rel.) SOCIAL AND HEALTH
Ven-A-Care of the Florida Keys,) SERVICES by AYUNI
Inc. v. Boehringer Ingelheim) HAUTEA-WIMPEE
Corp., et al., Civil Action No.)
07-10248-PBS) NOVEMBER 24, 2008

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Page 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL INDUSTRY) MDL NO. 1456
AVERAGE WHOLESALE PRICE) Civil Action No.
LITIGATION) 01-CV-12257-PBS
-----X

THIS DOCUMENT RELATES TO:) Hon. Patti B.
U.S. ex rel. Ven-A-Care of the) Saris
Florida Keys, Inc. v. Abbott)
Laboratories, Inc., No.) Chief Magistrate
06-CV-11337-PBS and U.S. ex rel.) Judge Marianne
Ven-A-Care of the Florida Keys,) B. Bowler
Inc. v. Abbott Laboratories, Inc.,)
No. 07-CV-11618-PBS)

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VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF THE STATE OF WASHINGTON DEPARTMENT OF SOCIAL
AND HEALTH SERVICES by AYUNI HAUTEA-WIMPEE

Olympia, Washington

Monday, November 24, 2008

9:00 a.m.

Henderson Legal Services, Inc.

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Page 137

1 Q. And the United States alleges that
2 manufacturers such as Abbott, Dey and Roxane
3 reported inflated prices to pricing compendia
4 such as First DataBank, knowing that those prices
5 would be used by Medicare and Medicaid to
6 reimburse for claims. And my question to you is
7 you've previously testified that Washington
8 Medicaid relied upon First DataBank to provide
9 accurate information; is that correct?

10 A. Yes.

11 Q. And accurate data for reimbursing for
12 drugs covered under the Medicaid program; is that
13 correct?

14 A. Yes.

15 Q. That's correct?

16 A. Correct.

17 Q. Did Washington Medicaid also assume
18 that manufacturers would report true prices to
19 pricing compendia such as First DataBank?

20 MR. REALE: Objection to form.

21 MS. RAMSEY: Objection.

22 MS. MANGIARDI: Objection.

Olympia, WA

Page 138

1 THE WITNESS: We knew that they
2 reported prices to First DataBank, but we did
3 not, you know, concern ourselves basically with
4 what was the information pub -- reported.

5 BY MS. FORD:

6 Q. And you say that you do not concern
7 yourself with the information that was reported?

8 A. We assumed that First DataBank would
9 take a look at their information and do whatever
10 was necessary to make sure that they were
11 reporting -- that First DataBank reported to us
12 accurate information.

13 Q. Would the Washington Medicaid program
14 further assume that -- that manufacturers who
15 wished to participate in Medicaid programs would
16 report true and accurate prices to First
17 DataBank?

18 MR. REALE: Objection to form.

19 MS. MANGIARDI: Objection.

20 MS. RAMSEY: Objection.

21 THE WITNESS: Yes.

22 BY MS. FORD: